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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/598,582	09/05/2006	Sergio Mansueto	3144-103	7381
6449 7590 08/12/2009 ROTHWELL, FIGG, ERNST & MANBECK, P.C. 1425 K STREET, N.W. SUITE 800 WASHINGTON, DC 20005				
EXAMINER ALL, MOHAMMAD M				
ART UNIT 3744		PAPER NUMBER		
NOTIFICATION DATE 08/12/2009		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTO-PAT-Email@rfem.com

Office Action Summary

Application No.

10/598,582

Applicant(s)

MANSUINO, SERGIO

Examiner

MOHAMMAD M. ALI

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 December 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 10-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 10-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Regarding claim 14 recites, the phrase "slider like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "slider like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1--7, 10-13 and 17-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Suzuki (US 5,029,446).

With regards to claims 1,11, 17 and 18 Suzuki discloses a device for molding foodstuff (18) masses, characterized in that it comprises: - a mould provided with at least one socket (17) defining a pouring cavity (see fig. 11-12); at least one insert made of thermally conductive material associated, in a heat-exchange relationship, with said pouring cavity; and at least one thermal-conditioning unit (21), associated to said insert made of thermally conductive material; at least one set of sockets (17) of said

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plurality have associated to said insert made of thermally conductive material that are distinct (the inserts 18a, 18b etc are shown in Figs. 11-12. are distinct).

With regards to claim 2, Suzuki discloses: characterized in that said at least one insert made of thermally conductive material defines at least part of the surface of said pouring cavity (1, see Figs. 1, 11 and 12).

With regards to claim 3, Suzuki discloses: characterized in that said thermal-conditioning unit is a thermoelectric refrigerating unit (thermoelectric system is also a refrigeration unit, for evidentiary reference see, column 4, line 50 of US Patent 3,289,422 to J. V. Fisher).

With regards to claim 4, Suzuki discloses: characterized in that said thermal-conditioning unit is a Peltier cell (21).

With regards to claims 5 and 19, Suzuki discloses: characterized in that said thermal-conditioning unit is stably associated to said mould (see fig. 1).

Regarding claims 6 and 20, Suzuki discloses that thermal conductive unit (21) is incorporated in said mold (18).

With regards to claim 7, Suzuki discloses: characterized in that said mould has a body made of thermally insulating material (according to cross hatching, see fig. 1, fig. 2).

Regarding claims 10 and 12, Suzuki discloses that some sockets (17) of said plurality have associated thereto a thermal conditioning unit (21) common to a number of sockets (17).

With regards to claim 13, Suzuki discloses: characterized in that said mould has contact elements which emerge on the outer surface of the mould itself for the electrical supply (the mold 18 is contacting thermoelectric cooler 21 through its fin and thus contacting with the electric supply line to the thermoelectric unit 21) of said at least one thermal-conditioning unit (electrical supply, see Figs. 1, 11 and 12).

Regarding claim 21, Suzuki discloses that the processing unit (32) is a microcontroller. See Fig. 8.

Regarding claim 22, Suzuki discloses that the processing unit (32) associated at least one mold (18) for condition operation of said at least one thermal conditioning unit (21, See Figs. 8, 11 and 12) and a line (see Fig 8, for the line) for the transfer of said control signals from said control unit (32) to said processing unit (31, see Fig. 8) associated to said at least one mold (18).

Regarding claim 23, Suzuki discloses that plurality of said mold (cavities with 18) and in that said control unit (32) is configured for transmitting encoded signals to the processing units (31) associated to the molds (18) said encoding identifying selectively the mould to which a given control signal is sent.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 14-16 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki in view of Grandi (US 5,101,714). Suzuki discloses the invention substantially as claimed as stated above except a slider (conveyor) to move mould. Grandi teaches the use of a slider (conveyor 45, Fig. 5) for the purpose of moving mold (19, the Examiner considering the box 19 as a mold holding products with another male mold as taught by Suzuki) in a refrigeration unit to cool the product. However, moving a mold in a refrigeration unit is an old feature in the art and it has been acknowledged by the Applicant in the background of invention.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the refrigeration unit of Suzuki in view of Grandi or to modify the refrigeration unit of Grandi in view of Suzuki such that a moving a conveyor could be provided in order to move the mold or product to increase cooling

efficiency of the of the refrigeration unit or provide mold with product in order to cool while moving with the conveyor.

Response to Arguments

Applicant's arguments with respect to claims 1-7 and 10-24 have been considered but are moot in view of the new ground(s) of rejection as explained above.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MOHAMMAD M. ALI whose telephone number is (571)272-4806. The examiner can normally be reached on maxiflex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cheryl J. Tyler can be reached on 571-272-4808. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Mohammad M Ali/

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Primary Examiner, Art Unit 3744